

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

C.W.P. No.9340 of 2007
Date of decision : 9.7.2007

Amarjeet Singh

....Petitioner through
Mr.Mansur Ali,
Advocate

Versus

State of Punjab and others

... Respondents through
Mr.A.G.Masih, Sr.Deputy
Advocate General,Punjab
&Mr.Arun Jain, Advocate

CORAM : HON'BLE MR. JUSTICE VIJENDER JAIN,
CHIEF JUSTICE
HON'BLE MR.JUSTICE MAHESH GROVER

....

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

...

Vijender Jain, Chief Justice (Oral)

This petition has been filed by the petitioner, inter alia, praying that auction of allotment of animal fairs to respondent no.4 by the respondent no.2, which was held at Ludhiana under the supervision of respondent no.3, be quashed.

It is contended that the petitioner gave a bid of Rs.2.20 crore, while respondent nos.4 and 5 gave a bid of Rs.2.51 crore and Rs.4 crore, respectively, which is evident from the bid-sheet. However, respondent no.5 did not turn up and the bid of respondent no.4 became second highest. It is further contended that the petitioner

had hiked his bid to Rs.2.60 crore.

From the bid-sheet it is not discernible whether the petitioner had hiked the bid to 2.60 crore. However, from the bid-sheet which is at page 35-36 (Annexure R-1 with the paper-book) it is clearly discernible that many parties were ready to give higher bid than the amount which was given in the bid by respondent no.4 and, therefore, the committee decided to cancel the auction.

Mr. A.G.Masih, learned Senior Deputy Advocate General appearing for the State of Punjab has contended that the bid was accepted in consonance with clause 4 of the auction notice and the decision cancelling the bid was not agreed to by the Government, as the auction committee was under the legal obligation to accept the bid of respondent no.4.

The auction was conducted by the committee set up by the Government consisting of the following officers :

1. Sh.Narinder Singh, Divisional Deputy Director, Rural Development and Panchayats, Patiala.
2. Sh.Priank Bharati, IAS, Additional Deputy Commissioner(d), Ludhiana.
3. Sh.Sanjiv Kumar Garg, District Development and Panchayat Officer, Ludhiana.
4. Smt. Kanwaljit Kaur Brar, PCS, Addl.Deputy Commissioner, Ludhiana.

When the committee recommended to cancel the bid in view of higher bids which the parties were ready to give for the cattle fair, there should have been some material in the counter affidavit

filed by the State to show as to what reasoning went into the decision of not accepting the recommendation of the bid committee and for accepting the bid of respondent no.5. To our minds by accepting the recommendation of the committee the respondents would certainly have earned more money for the public exchequer.

Obviously the decision making process is tainted, showing no application of mind and reflects arbitrariness. Hence the same stands vitiated.

Therefore, we allow the petition and set aside the grant of the bid in favour of respondent no.4 with the direction that fresh auction be held for the said purpose by the State. The auction process shall be finished within a period of four weeks.

(VIJENDER JAIN)
CHIEF JUSTICE

9.7.2007

(MAHESH GROVER)
JUDGE

dss